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R E M A R K S

Claims 1-2 have been canceled. Claims 3-13 remain pending in the application. Applicants amend claim 13 for a minor correction. No new matter has been added.

Applicants acknowledge with appreciation the Examiner's allowance of claims 3-4, 8, and 11.

Claim 12 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0093954 to Weil et al.; claims 5-7, 10, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weil et al. in view of U.S. Patent No. 5,495,471 to Chow et al.; claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Weil et al. in view of U.S. Patent No. 6,289,096 to Suzuki. Applicants respectfully traverse the rejection.

Weil et al. only describe executing SPF (shortest path first) calculations for obtaining a shortest path for a recovery path, and do not disclose the claimed features of: minimizing a transfer time of a failure notification message; and a protecting route having a route switchover time to be completed within a given time limit.

The Examiner cited paragraph [0039] in Weil et al. as alleged disclosure of the claimed transfer time minimization feature. The cited portions of Weil et al. only include description of using SPF calculations to find a shortest path to be selected as the recovery path from a failure. Such portions do not include any description of a transfer time of a failure notification message, let alone any minimization of such transfer time.

The Examiner cited paragraph [0101] of Weil et al. as alleged disclosure of the claimed time limit feature. The cited portions of Weil et al. only include description of using timers to

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"defer the deployment of new routing tables until a pre-defined time after ... is sent," which is limitless. Therefore, such portions do not include any description of a time limit within which switchover is to be completed.

Thus, Weil et al., as cited and relied upon by the Examiner, fail to disclose,

"[a] protecting route design method for designing protecting route information on a protecting route, and presetting the designed protecting route information in a plurality of nodes provided in a communication network, before occurrence of a link or node failure in the communication network, wherein the plurality of nodes switch over in parallel from a working route to the protecting route on the basis of the protecting route information present in the plurality of nodes when link or node failure occurs, according to a failure notification message including failure location information, transmitted from a failure detection node to each of the plurality of nodes, the protecting route design method comprising the steps of:

searching by a network management system, provided in the communication network, for a preliminary protection route, the preliminary protecting route for minimizing a transfer time of the failure notification message which is transmitted from a node detecting link or node failure;

updating the searched preliminary protecting route to the protecting route having a spare communication capacity sharable for a different failure, the protecting route having a route switchover time to be completed within a given time limit; and

presetting the protecting route information on the updated protecting route in the plurality of nodes, the protecting route information including the failure location information associated with an identifier of the corresponding protecting route, the failure location information indicating a location of the link or node failure in the communication network," as recited in claim 12.

(Emphasis added)

Accordingly, Applicant respectfully submits that claim 12 is patentable over Weil et al. for at least the foregoing reasons. The Examiner cited Chow et al. and Suzuki to specifically address the additional features recited in dependent claims 5-7, 9-10, and 13, respectively. Therefore, the additions of these references would still have failed to cure the above-described

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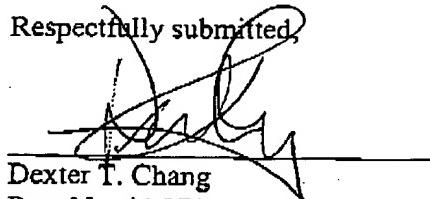
deficiencies of Weil et al., even assuming, arguendo, that such additions would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 5-7, 9-10, and 13 are patentable over the cited references for at least the foregoing reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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